

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re VEECO INSTRUMENTS, INC. : Case No.: 7:05-md-01695 (CM)(GAY)
SECURITIES LITIGATION :
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THIS DOCUMENT RELATES TO :
ALL ACTIONS :
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[PROPOSED] ORDER

Upon consideration of Lead Plaintiff's motion for modification of the Court's May 16, 2006 Protective Order IT IS HEREBY ORDERED that Lead Plaintiff's motion is GRANTED and IT IS FURTHER ORDERED that the following are not subject to the Court's May 16, 2006 Protective Order:

1. Lead Plaintiff's trial exhibits identified in Exhibit C to the Pretrial Order.
2. Defendants' trial exhibits identified in Exhibit D to the Pretrial Order.
3. Transcripts of all deposition testimony taken in this action.
4. The preliminary and supplemental expert reports of Robert W. Berliner.
5. Lead Plaintiff's statement of contentions included in Exhibit A to the Pretrial Order.

IT IS SO ORDERED:

Date: _____, 2007

Honorable Colleen McMahon
United States District Court Judge